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In re application of: Kunzler et al.

DOCKET NO: P98,0774

Serial No: 08/944,234

GROUP ART UNIT: 3731

Filed: October 6, 1997

EXAMINER: L. Ngo

For: "DRILL HEAD FOR USE IN PLACING AN INTERVERTEBRAL DISC DEVICE"

Assistant Commissioner for Patents,
Washington, D.C. 20231

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	* 24	MINUS	** 24	-0-	() X 9.00 () X 18.00	
INDEP. CLAIMS	* 02	MINUS	** 03	-0-	() X 39.00 () X 78.00	
Application amended to contain any multiple dependent claims not previously paid for.				() YES (X) NO	() \$130.00 () \$260.00 ONE TIME	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					NONE	

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

- ☒ Applicant petitions the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated **December 14, 1999** for 1 month so that the period for response is extended to **April 14, 2000**. A check in the amount of \$ **110.00** is attached to cover the cost of the extension.
- ☐ A check for \$ _____ is enclosed to cover the cost of _____ extra independent claim.
- ☐ A check for \$ _____ accompanying IDS under 37 CFR 1.97(c) is attached.
- ☐ A check for \$ _____ and Petition for Consideration of IDS under 37 CFR 1.97(d) is attached.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 08-2290. A duplicate of this sheet is enclosed.
- When phoning regarding this application, please call (312) 876-0200 - Ext. 3249.

BY Todd S. Parkhurst (Reg. No. 26,494)
Todd S. Parkhurst

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on April 13, 2000.

Todd S. Parkhurst
Todd S. Parkhurst Attorney for Applicants

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Kunzler et al. DOCKET NO.: P98,0774
SERIAL NO: 08/944,234 GROUP ART UNIT: 3731
FILED: October 6, 1997 EXAMINER: L. Ngo
INVENTION: "DRILL HEAD FOR USE IN PLACING AN
INTERVERTEBRAL DISC DEVICE"

Assistant Commissioner of Patents
Washington, D.C. 20231

AMENDMENT

Dear Sir:

In response to the Office Action dated December 14, 1999, the Applicants submit the following amendments and accompanying remarks.

IN THE CLAIMS:

Claim 1, line 3, after "of" (second occurrence) insert -- the opposing --.
Claim 18, line 4, replace "rotating" with --rotary--.

REMARKS

Claims 1-24 are pending in the present application. Claims 1 and 18 have been amended to more clearly define the present invention.

Claim Objections

Claim 1 has been objected to due to the indefiniteness of the amendment made in the Preliminary Amendment. The amendment made to Claim 1 herein is believed to address and resolve this objection.

Claim Rejections - 35 U.S.C. § 102

Claims 1-7 and 13-24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Scheicher* (U.S. Patent No. 4,197,645). The Applicants respectfully traverse this rejection based on the following reasons.

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